

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	30 June 2021
Report by:	Executive Director (Housing and Technical Resources)

Subject:	Proposed Lease of Ground at Old Mill Road, Car Park, East Kilbride with Associated Servitude Right of Access in Favour of Murphy Power Distribution Limited
----------	--

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ seek approval to grant a 99 year lease of ground at Old Mill Road Car Park, East Kilbride in favour of Murphy Power Distribution Limited (MPD).
- ◆ approve the grant of a right of access to the substation and for the laying of associated cables in favour of Murphy Power Distribution Limited.

2. Recommendation(s)

2.1. The Housing and Technical Resources Committee is asked to approve the following recommendation(s):-

- (1) that a 99 year lease of ground at Old Mill Road Car Park, East Kilbride is granted to Murphy Power Distribution Limited on the main lease terms and conditions outlined in section 4 of this report.
- (2) that consent is granted to Swarco to construct a substation and that all necessary rights are granted to Murphy Power Distribution Limited to maintain the substation and the cables serving the substation, as shown on the attached plan.
- (3) that the Executive Director (Housing and Technical Resources), in consultation with Head of Administration and Legal Services, if appropriate, be authorised to conclude all matters in respect of the grant of lease and to enter into the necessary legal agreements on terms which are in the best interests of the Council.

3. Background

3.1. The Roads and Transportation Service has awarded a contract for electric vehicle charge points to Swarco for the installation of the charging infrastructure at Old Mill Road Car Park, East Kilbride. The contract specifies that Swarco be responsible for all required works. The contract is itself part of a project funded by the Transport Scotland Local Authority Installation Fund (LAIP).

3.2. Whilst Swarco will construct the substation, the contract requires the lease for the site to be with MPD who will have the right to sublease the substation to Scottish Power Energy Networks (SPEN) following completion. The Roads and Transportation Service has advised this contractual arrangement is the most financially advantageous for the Council.

- 3.3. The substation requires to be constructed on the ground extending to 25m² shown on the attached plan, which is owned by South Lanarkshire Council.
- 3.4. MPD are seeking a 99-year lease to allow for the construction of a substation and associated cabling.
- 3.5. It is an essential requirement of the contract with Swarco that the lease to MPD is granted to allow the construction of the substation to provide a sufficient power supply to facilitate the electric vehicle charging points at this location.
- 3.6. The substation is exclusively to service the vehicle charging facility and is not serving the wider area, therefore, there is no rental charge.

4. Proposal

- 4.1. It is proposed that the lease terms and conditions are as follows:-

1. The lease will be to Murphy Power Distribution Limited.
2. The period of the lease will be for 99 years from the date of entry.
3. Date of entry to be agreed.
4. The rent is to be £1 per annum (conditional on substation exclusively used for charging points).
5. The subjects shall be used for construction and operation of the electricity substation.
6. MPD will have the right to sublease to Scottish Power Energy Networks .
7. In addition the tenants, their agents and contractors will have a right to lay, maintain, inspect, repair and renew underground cables, pipes and ducts serving the substation.
8. Each party will be responsible for their own legal fees and expenses.
9. The substation is solely to facilitate the electric vehicle charging points.

5. Employee Implications

- 5.1. There are no employee implications.

6. Financial Implications

- 6.1. Due to the Council's involvement in the project, a nominal consideration is applicable, however, each party will be responsible for their own legal fees incurred in relation to the lease.

7. Climate Change, Sustainability and Environmental Implications

- 7.1. The electric vehicle charging points will allow greater uses of electric vehicles and contribute to the reduction in the use of fossil fuel and contribute to the Council's climate change and carbon reduction targets.

8. Other Implications

- 8.1. By granting this lease to MPD, the Council facilitates the contract with Swarco to construct the substation as required by Roads and Transportation Services for their electric vehicle charging point.
- 8.2. If the lease is not approved, the electric vehicle charging points at this location will have an insufficient power supply and the project cannot proceed.

9. Equality Impact Assessment and Consultation Arrangements

- 9.1. Planning consent is not required as the proposal is classified as a permitted development. The Roads and Transportation Service has requested that this lease be granted to facilitate the electric vehicle charging programme in this area in accordance with their contract.

- 9.2. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function, or strategy and, therefore, no impact assessment is required.

Daniel Lowe
Executive Director (Housing and Technical Resources)

2 June 2021

Link(s) to Council Values/Ambitions/Objectives

- Accountable, effective, efficient and transparent

Previous References

- ◆ None

List of Background Papers

- ◆ None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

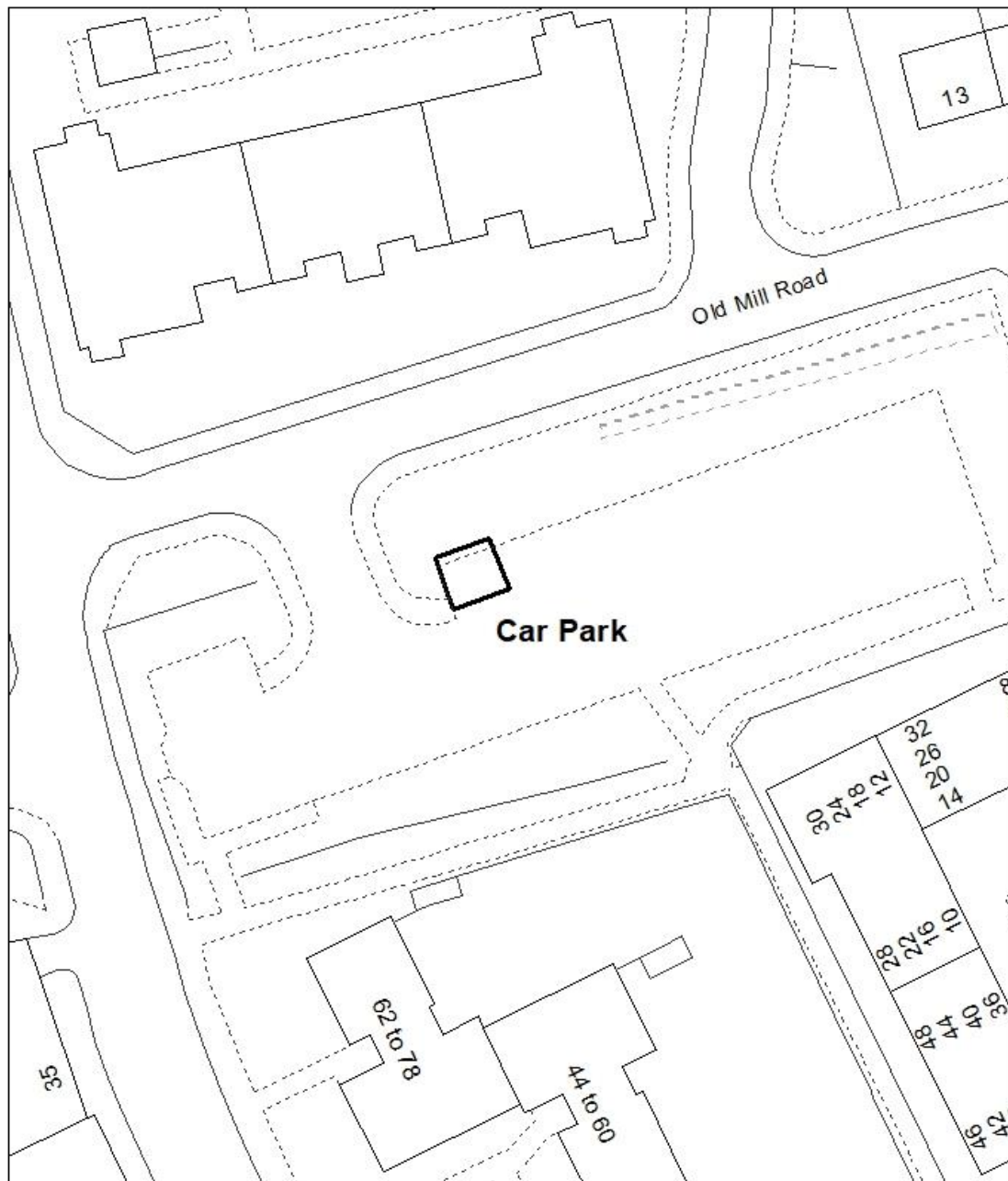
Frank McCafferty, Head of Property Services
Ext: 4073 (Tel: 01698 454073)
E-mail: frank.mccafferty@southlanarkshire.gov.uk

LOCATION PLAN - For Committee Purposes Only

Old Mill Car Park
East Kilbride



HOUSING AND TECHNICAL



Ordnance Survey

© Crown copyright and database rights 2021.
Ordnance Survey 100020730.



Lease of a sub-station outlined in Black

DATE: 28/05/2021